

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:

MARTIN HERING

Serial No. **09/705,152**

Filing Date: **November 2, 2000**

For: **ADVERTISING METHOD USING A
TURNSTILE (As Amended)**

Examiner: **Curtis Cohen**

Art Unit: **3634**

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

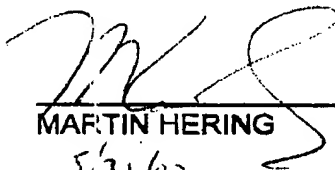
DECLARATION UNDER 37 U.S.C. § 1.132 OF MARTIN HERING

I, Martin Hering, hereby declare and say as follows:

1. I am the inventor in the above-referenced application.
2. I have read the Office Action dated December 26, 2001, including the Examiner's opinion regarding patentability. Further, I have read and am familiar with the references cited by the Examiner for U.S. Patent No. 3,919,717 to Collins and U.S. Patent No. 4,408,406 to Barton. I believe that these references are not material to patentability with regard to the claimed invention directed to the use of the turnstile arm for displaying advertising. In response to the Examiner's comments, the following statements and factual data are presented in an attempt to answer the Examiner's questions and clarify matters heretofore presented.
3. I am the owner and operator of Entry Media, Inc. which presents the various embodiments of the invention to users. As indicated in my Declarations of March 13, 2000 and November 2, 2000 in support of Application Serial No. 09/309,025 for "Turnstile Advertising Display Device," I have been fortunate to have had many articles written about my invention. I now ask that these Declarations be entered into this pending case and be again considered by the Examiner in support of arguments presented for allowance of the application.

4. As further support for the arguments against an obviousness opinion by the Examiner, true copies of supporting documentation (copies of which were filed earlier in this case) and are again presented herewith as Exhibits A-Q, which speak to a satisfaction of a long-felt need for such an alternative form of advertising. Likewise, Exhibits A-G are true copies of journal and newspaper articles specifically related to my invention and its novelty and effectiveness. Exhibits H-M are true copies of letters to me attesting to the effectiveness of my invention at particular venues. Exhibits N-Q are true copies of articles on the subject of alternative or out-of-home advertising, and the need for novel concepts in advertising.

5. I hereby declare that all statements made herein of my own accord are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title XVIII of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.


MARTIN HERING

5/21/02
DATE